

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Antonio MORA-Roman,

Defendant

Magistrate Docket

08 AUG 11 AM 10:31

08 MJ 2482

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF: *EC*

DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **August 10, 2008** within the Southern District of California, defendant, **Antonio MORA-Roman**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Ismael A. Canto

SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF August 2008*Anthony B. Battaglia*

Anthony B. Battaglia

UNITED STATES MAGISTRATE JUDGE

DDA 8/10/08

EC

CONTINUATION OF COMPLAINT:**Antonio MORA-Roman****PROBABLE CAUSE STATEMENT**

On August 10, 2008, at approximately 7:45 AM, Border Patrol Agent R. Tong was conducting Border Patrol operations in the Imperial Beach Border Patrol Station area of operations. While on patrol, he was alerted by Supervisory Border Patrol Agent A. J. Lambert that he observed seven individuals attempting to conceal themselves in heavy brush in an area known as the "33 Draw." This area is approximately 4 miles west of the San Ysidro, California Port of Entry and approximately 200 yards north of United States / Mexico International Boundary. After a brief search of the area Border Patrol Agent Tong was able to locate all seven individuals concealing themselves in the dense brush. Due to the time of day, and the fact that this area is commonly used by undocumented immigrants to further their illegal entry into the United States, and based on their behavior in the brush, Border Patrol Agent Tong identified himself as a Border Patrol Agent and conducted an immigration inspection on each of the subjects. Each of the subjects, including one later identified as the defendant **MORA-Roman, Antonio**, admitted to being citizens and nationals of Mexico, and none were in possession of any immigration documents that would allow them to legally enter or remain in the United States. Border Patrol Agent Tong placed each of the seven subjects under arrest and arranged for transportation to the Imperial Beach Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on October 18, 2007 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.